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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Kinya Matsushita

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EXAMINER

AZIZ, KEITH T

ART UNIT

PAPER NUMBER

1746

NOTIFICATION DATE

DELIVERY MODE

12/21/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

Office Action Summary	Application No. 10/572,943	Applicant(s) MATSUSHITA ET AL.	
	Examiner KEITH T. AZIZ	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-10 and 12-21 are pending as amended on 10/21/2010, claims 11 and 22 having been previously cancelled.
2. The rejection of claims 1-5, 7-10, and 21 under 35 U.S.C. 102(b) as being anticipated by Lee is withdrawn, in view of amendments made to the claims.
3. The rejection of claims 12-14 and 17-18 under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Manusch is withdrawn, in view of amendments made to the claims.
4. The rejection of claim 6 under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Suzuki is withdrawn, in view of amendments made to the claims.
5. The rejection of claims 15-16 and 19-20 under 35 U.S.C. 103(a) as being unpatentable over Lee, Manusch, and Suzuki is withdrawn, in view of amendments made to the claims.
6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Arguments

7. Applicant's arguments, see applicant's remarks, filed 10/21/2010, with respect to the rejection(s) of claim(s) 1-5, 7-10, and 21 under 35 U.S.C. 102(b) have been fully considered and are persuasive, in view of amendments made to the claims. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly cited art, as may be seen below.

8. Applicant's arguments, see applicant's remarks, filed 10/21/2010, with respect to the rejection(s) of claim(s) 12-14 and 17-18 under 35 U.S.C. 103(a) have been fully considered and are persuasive, in view of amendments made to the claims. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly cited art, as may be seen below.

9. Applicant's arguments, see applicant's remarks, filed 10/21/2010, with respect to the rejection(s) of claim(s) 6 under 35 U.S.C. 103(a) have been fully considered and are persuasive, in view of amendments made to the claims. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly cited art, as may be seen below.

10. Applicant's arguments, see applicant's remarks, filed 10/21/2010, with respect to the rejection(s) of claim(s) 15-16 and 19-20 under 35 U.S.C. 103(a) have been fully considered and are persuasive, in view of amendments made to the claims. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly cited art, as may be seen below.

Claim Rejections - 35 USC § 103

11. Claims 1-5, 7-10, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee, in view of U.S. Patent Application 2004/0129386 (Langerak hereafter).

Lee discloses a film-tape eraser with a retractable dispensing head (see title and abstract). Lee teaches a tool with a case body with a first and second case that engage with one another (see items 122 and 126 of Figure 2), a base (see item 6 of Figure 1) that the first and second case may be held in, a pivoting support portion through which the case body parts may pivot to the base (see items 611 and 61 of Figure 2), and a holding portion for holding the transfer tool (see item 5 of Figure 2). Lee does not explicitly teach that the base is pivotably connected to the second case in a manner that allows the base and second case to be pivotably movable relative to each other.

Langerak discloses an apparatus for dispensing adhesive tape (see title and abstract). Langerak teaches a base that is hinged to the case body, and moves in a pivoting fashion relative to the case body (see lower longitudinal edge 41 in Figures 5 and 7, and how it pivots about item 25 in Figures 5 and 7, as well as paragraphs [0030]-[0031]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to ensure that the base of Lee was pivotable with respect to the case body as taught by Langerak. The rationale to do so would have been the motivation to ensure that the tape is always accessible from the outside of the case (see paragraph [0013]).

With regards to claim 2, Lee teaches a holding structure that allows the case portions to engage one another, and affixes the case portions to the pivot (see item 5 of Figure 2).

With regards to claim 3, Lee teaches that the base is externally fitted (see item 6 of Figure 1).

With regards to claim 4, Lee teaches that there is a latch (see item 53 of Figure 2) that controls the extent to which the case body and base are engaged.

With regards to claim 5, Lee teaches that there is a pivoted bar (see item 121 of Figure 2) meant to engage the case body portions, and that it may be disengaged by the latch (see item 53 of Figure 2).

With regards to claims 7 and 8, Lee teaches that the pivoting direction is in a plane that is orthogonal to the direction in which the case bodies engage each other (see Figure 2).

With regards to claims 9 and 10, Lee teaches that the tool may pivot through a motion that is generated by a spindle (see item 113 of Figure 2), and a hole in which the spindle is engaged with (see items 61 and 611 of Figure 2).

With regards to claim 11, Lee teaches a transfer head (see items 4 and 223 of Figure 7). This transfer head brings the film into contact with the desired object, and transfers the film to the object when pressure is applied, and is formed in the opening of the base (see Figure 7).

With regards to claim 21, the holding portion implicitly may be a handheld region of the transfer tool.

12. Claims 12-14, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee and Langerak as applied to claims 1-5, 7-10, and 21 above, and further in view of Manusch.

Lee and Langerak teach the transfer tool of claims 1-5, 7-11, and 21 as discussed above. Lee and Langerak do not explicitly teach a transferred object receiver.

Manusch discloses an adhesive film applicator for applying a film to a surface (see title and abstract). Manusch teaches a transferred object receiver that receives the used transfer film object (see items 13, 15, 17, and 28 of Figure 2, as well as Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the transferred object receiver of Manusch in the apparatus of Lee and Langerak. The rationale to do so would have been the motivation to ensure that an unobjectionable tear edge is generated when the transfer is completed (see lines 1-5 of column 4).

With regards to claim 13, Manusch teaches that the object receiver is pivotable with the base (see item 19 of Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the transferred object receiver of Manusch in the apparatus of Lee and Langerak. The rationale to do so would have been the motivation to ensure that an unobjectionable tear edge is generated when the transfer is completed (see lines 1-5 of column 4).

With regards to claim 14, Lee further teaches that there is a guide portion for the transfer tape (see item 223 of Figure 2). Lee and Langerak do not explicitly teach a transferred object receiver.

Manusch discloses an adhesive film applicator for applying a film to a surface (see title and abstract). Manusch teaches a transferred object receiver that receives the used transfer film object (see items 13, 15, 17, and 28 of Figure 2, as well as Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the transferred object receiver of Manusch in the apparatus of Lee and Langerak. The rationale to do so would have been the motivation to ensure that an unobjectionable tear edge is generated when the transfer is completed (see lines 1-5 of column 4).

With regards to claim 17, Lee further teaches a transfer roller (see items 4, 31, and 32 of Figure 2). Lee and Langerak do not explicitly teach a transferred object receiver.

Manusch discloses an adhesive film applicator for applying a film to a surface (see title and abstract). Manusch teaches a transferred object receiver that receives the used transfer film object (see items 13, 15, 17, and 28 of Figure 2, as well as Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the transferred object receiver of Manusch in the apparatus of Lee and Langerak. The rationale to do so would have been the motivation to ensure that an unobjectionable tear edge is generated when the transfer is completed (see lines 1-5 of column 4).

With regards to claim 18, Lee further teaches that the tool includes a winding off and rolling up spool for applying and recovering the tape body (again, see items 4, 31, and 32 of Figure 2). Lee and Langerak do not explicitly teach a transferred object receiver.

Manusch discloses an adhesive film applicator for applying a film to a surface (see title and abstract). Manusch teaches a transferred object receiver that receives the used transfer film object (see items 13, 15, 17, and 28 of Figure 2, as well as Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the transferred object receiver of Manusch in the apparatus of Lee and Langerak. The rationale to do so would have been the motivation to ensure that an unobjectionable tear edge is generated when the transfer is completed (see lines 1-5 of column 4).

13. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee and Langerak as applied to claims 1-5, 7-10, and 12-22 above, and further in view of Suzuki.

Lee and Langerak teach the process of claims 1-5, 7-11, and 21 as discussed above. Lee and Langerak do not explicitly teach that there are latching holes.

Suzuki discloses a device for transferring a coating film (see title and abstract). Suzuki teaches that each latching pawl (see item 17 of Figure 2) has a corresponding latching hold formed on the other case (see items 8 and 18 of Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the latching holes for each latching pawl of Lee as taught by Suzuki. The

rationale to do so would have been the motivation to enable the apparatus to exchange transfer tape easily and efficiently (see paragraph [0008]).

14. Claims 15-16, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee, Langerak, and Manusch as applied to claims 12-14 and 17-18 above, and further in view of Suzuki.

Lee, Langerak, and Manusch teach the apparatus of the above claims as previously discussed. Lee, Langerak, and Manusch do not explicitly teach that the guide portion may rotate or detach.

With regards to claims 15-16, Suzuki teaches that the guide portion may rotate with respect to the body (see the rotation of the placement head between Figure 8 and Figure 6). Further, Suzuki teaches that the transfer head may be separate from the case body when the two case body portions are no longer engaged (see Figure 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the rotating guide portion as taught by Suzuki in the apparatus of Lee, Langerak, and Manusch. The rationale to do so would have been the motivation to enable the apparatus to exchange transfer tape easily and efficiently (see paragraph [0008]).

With regards to claims 19-20, Suzuki teaches that unchangable parts are the gears that disperse the transfer film, and then wind up the spent film roll (see item 37 of Figure 7). Again, the spool may be detached and exchanged as is seen in Figure 7 of Suzuki, and the gears are clearly engaged directly (again, see Figure 7). . It would

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have been obvious to one of ordinary skill in the art at the time the invention was made to include the winding gears as taught by Suzuki in the apparatus of Lee, Langerak, and Manusch. The rationale to do so would have been the motivation to enable the apparatus to exchange transfer tape easily and efficiently (see paragraph [0008]).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEITH T. AZIZ whose telephone number is (571)270-7658. The examiner can normally be reached on Monday through Thursday 8:00am-6:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katarzyna I. Wyrozebski can be reached on (571)272-1127. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KTA/

/KHANH NGUYEN/
Primary Examiner, Art Unit 1746